Calendar No. 465

100TH CONGRESS
1st Session
SENATE
REPORT
100–238

CONTINUING APPROPRIATIONS, 1988

DECEMBER 8, 1987.—Ordered to be printed

Mr. STENNIS, from the Committee on Appropriations, submitted the following

REPORT

[To accompany H.J. Res. 395]

The Committee on Appropriations, to which was referred the joint resolution (H.J. Res. 395) making continuing appropriations for fiscal year 1988, and for other purposes, reports the same to the Senate with amendments and presents herewith information relative to the recommended joint resolution.

INTRODUCTION

The Committee on Appropriations recommends various amendments which strike House text and inserts new language to reflect action taken by the Senate or the Committee on the 13 regular appropriations bills and to conform with the summit agreement on deficit reduction of November 20, 1987.

This continuing resolution provides full-year funding—through September 30, 1988—for all 13 regular appropriations bills. Upon enactment into law of any of these bills, the relevant provisions of this continuing resolution will cease to apply, and the regular bill will become the funding device.

The Committee on Appropriations has previously reported all 13 regular appropriations bills to provide funding for the fiscal year beginning on October 1, 1987. The Senate has considered and passed all 10 of these bills which passed the House: the fiscal year 1988 Treasury-Postal Service, Legislative Branch, District of Columbia, Interior, Labor-HHS-Education, HUD-Independent Agencies, Commerce-Justice-State, Military Construction, Transportation, and Energy-Water Development

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appropriations bills. The remaining three regular appropriations bills have not passed the House, but original Senate bills have been reported by the Committee. These include the fiscal year 1988 Agriculture, Defense, and Foreign Assistance appropriations bills.

The following table reflects the current status of the 13 appropriations bills as passed by or reported to the Senate as compared to the President's fiscal year 1988 request:

FISCAL YEAR 1988 SENATE PASSED AND REPORTED APPROPRIATIONS BILLS

[In billions of dollars]

Subcommittee	President's request		Senate action		Senate versus request	
	New budget authority	Outlays	New budget authority	Outlays	New budget authority	Outlays
Agriculture, Rural Development and Related Agencies (Including section 32 permanent)	55.3	27.1	57.0	28.1	+1.7	+1.0
Commerce, Justice, State, Judiciary	14.8	15.3	14.2	14.8	-.6	-.5
Defense	294.0	282.4	274.6	270.2	-19.3	-12.1
District of Columbia	.5	.5	.6	.6	+([1])	+([1])
Energy and Water Development	17.7	17.7	15.9	15.9	-1.7	-1.8
Foreign Assistance and Related Programs	15.4	12.4	13.6	12.1	-1.8	-.3
HUD-Independent Agencies	51.6	59.4	57.3	59.7	+5.6	+.2
Interior (Including advance appropriations for USGS, fossil fuel, and NPS transfer)	8.6	9.1	10.0	9.9	+1.4	-.8
Labor, Health and Human Services and Education (Includes advance appropriations)	114.6	125.9	128.2	131.3	+13.6	+5.4
Legislative (Includes compensation of Members)	2.0	2.0	1.9	1.9	-.2	-.2
Military Construction	10.1	8.2	8.5	7.9	-1.6	-.3
Transportation	8.5	26.2	11.1	27.4	+2.6	+1.2
Treasury, Postal Service, and General Government	14.6	14.8	15.1	15.2	+.4	+.4
Grand total	607.9	601.1	608.0	594.9	+.1	-6.2

[1] Less than $50,000,000.

NOTE: Detail may not add to totals due to rounding; total outlay estimates using budget resolution outlay rates.

The most recent action of the Senate or the Committee with respect to each appropriations bill is reflected in the spending levels recommended by the Committee in this resolution. The Defense, Foreign Assistance, and Military Construction appropriations bills are fully consistent with the summit agreement on deficit reduction of November 20, 1987. The Committee points out that each of the 10 bills containing domestic discretionary appropriations is within its section 302(b) allocation pursuant to the Congressional Budget Act of 1974, as amended, under the concurrent resolution on the budget for fiscal year 1988 (S. Con. Res. 93). However, the summit agreement on deficit reduction entered into on November 20, 1987, between the congressional leadership and the executive branch requires a $2,600,000,000 reduction in nondefense discretionary programs in these appropriations bills. The Committee has imposed this additional reduction by adjusting the 10 Senate bills as shown in the following table:

CONTINUING RESOLUTION

ADJUSTMENTS TO SENATE PASSED AND REPORTED BILLS

[In billions of dollars]

Subcommittee	Budget authority	Outlays
Agriculture, Rural Development, and Related Agencies	-0.26	-0.23
Commerce, Justice, State, Judiciary[1]	+.12	-.06
District of Columbia	-.01	-.02
Energy and Water Development	-.16	-.22
HUD-Independent Agencies	-.71	-.68
Interior	-.17	-.24
Labor, Health and Human Services, and Education	-.67	-.70
Legislative	-.03	-.06
Transportation	-.18	-.34
Treasury, Postal Service, and General Government	-.06	-.09
Total	-2.12	-2.64

[1] Net of domestic and international adjustments.

NOTE: Detail may not add to totals due to rounding.

This measure, containing all 13 appropriations bills, complies with the summit agreement on deficit reduction as shown in the detailed table which follows:

SENATE CONTINUING RESOLUTION COMPARED TO BUDGET SUMMIT AGREEMENT

[In billions of dollars]

Fiscal year 1988 CBO discretionary Gramm-Rudman-Hollings estimates	Senate continuing resolution bill		Budget summit	
	New budget authority	Outlays	New budget authority	Outlays
FUNCTION 050—NATIONAL DEFENSE				
Defense[1]	276.11	162.44		
Military Construction	8.50	2.37		
Energy and Water Development	7.75	5.04		
HUD-Independent Agencies	.35	.28		
Treasury, Postal Service, and General Government	.01	.01		
Subtotal, function 050 appropriations	292.72	170.14		
Prior-year outlays		115.99		
Other mandatory items	-.72	-.73		
Total, function 050	292.00	285.40	292.0	285.4
FUNCTION 150—INTERNATIONAL AFFAIRS				
Foreign Assistance	13.04	5.32		
Agriculture, Rural Development and Related Agencies	1.06	1.35		
Commerce, Justice, State, Judiciary	3.74	2.77		
Labor, Health and Human Services, and Education	.01			
Subtotal, International affairs appropriations	17.85	9.43		
Prior-year outlays		7.11		
Total, function 150	17.85	16.54	17.8	16.5
DOMESTIC				
Agriculture, Rural Development and Related Agencies	15.11	6.33		
Commerce, Justice, State, Judiciary	10.43	8.03		
District of Columbia	0.56	0.55		
Energy and Water Development	9.31	5.91		
HUD-Independent Agencies	40.87	18.46		
Interior	9.79	6.66		
Labor, Health and Human Services, and Education	38.26	19.20		
Legislative	1.77	1.56		
Transportation	10.52	9.18		

See footnote at end of table.

SENATE CONTINUING RESOLUTION COMPARED TO BUDGET SUMMIT AGREEMENT—Con.

[In billions of dollars]

Fiscal year 1988 CBO discretionary Gramm-Rudman-Hollings estimates	Senate continuing resolution bill		Budget summit	
	New budget authority	Outlays	New budget authority	Outlays
DOMESTIC—Continued				
Treasury, Postal Service, and General Government	8.49	6.94		
Subtotal, domestic appropriations	145.09	82.82		
Prior-year outlays		77.43		
Total, domestic	145.09	160.25	145.1	160.3
Subtotal, domestic and function 150	162.94	176.79		

[1] Includes mandatory appropriations.

NOTE: Detail may not add to total due to rounding; estimates of new outlays consistent with Gramm-Rudman-Hollings estimates.

LEVELS OF FUNDING UNDER THE RESOLUTION

Sections 101(a) through (m) set forth the levels of funding recommended for each of the appropriations bills covered by this continuing resolution. The level of funding recommended for each bill is as follows:

COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

Section 101(a) deletes House language establishing the rate for operations as that provided in the regular fiscal year 1988 appropriations bill (H.R. 2763) as passed by the House, and instead inserts the rate for operations provided in the bill (H.R. 2763) as passed by the Senate on October 15, 1987, as adjusted to adhere to the November 20, 1987, summit agreement on deficit reduction. The Committee includes in its entirety, by reference, the Senate report (S. Rept. 100–182) accompanying H.R. 2763.

DEFENSE

Section 101(b) deletes House language establishing the rate for operations as that provided in the regular fiscal year 1988 appropriations bill (H.R. 3576) as reported to the House, and instead inserts the rate for operations provided in the bill (S. 1923) as reported to the Senate on December 4, 1987, as adjusted to adhere to the November 20, 1987, summit agreement on deficit reduction. The Committee includes in its entirety, by reference, the Senate report (S. Rept. 100–235) accompanying S. 1923.

District of Columbia

Section 101(c) deletes House language establishing the rate for operations as that provided in the regular fiscal year 1988 appropriations bill (H.R. 2713) as passed by the House, and instead inserts the rate for operations provided in the bill (H.R. 2713) as passed by the Senate on September 30, 1987, as adjusted to adhere to the November 20, 1987, summit agreement on deficit reduction. The Committee includes in its entirety, by reference, the Senate report (S. Rept. 100–162) accompanying H.R. 2713.

Energy and Water Development

Section 101(d) deletes House language establishing the rate for operations as that provided in the regular fiscal year 1988 appropriations bill (H.R. 2700) as passed by the House, and instead inserts the rate for operations provided in the bill (H.R. 2700) as passed by the Senate on November 18, 1987, as adjusted to adhere to the November 20, 1987, summit agreement on deficit reduction. The Committee includes in its entirety, by reference, the Senate report (S. Rept. 100–159) accompanying H.R. 2700.

Foreign Assistance and Related Programs

Section 101(e) deletes House language establishing the rate for operations as that provided in the regular fiscal year 1988 appropriations bill (H.R. 3186) as reported to the House, and instead inserts the rate for operations provided in the bill (S. 1924) as reported to the Senate on December 4, 1987, as adjusted to adhere to the November 20, 1987, summit agreement on deficit reduction. The Committee includes in its entirety, by reference, the Senate report (S. Rept. 100–236) accompanying S. 1924.

Housing and Urban Development—Independent Agencies

Section 101(f) deletes House language establishing the rate for operations as that provided in the regular fiscal year 1988 appropriations bill (H.R. 2783) as passed by the House, and instead inserts the rate for operations provided in the bill (H.R. 2783) as passed by the Senate on October 15, 1987, as adjusted to adhere to the November 20, 1987, summit agreement on deficit reduction. The Committee includes in its entirety, by reference, the Senate report (S. Rept. 100–192) accompanying H.R. 2783.

Interior and Related Agencies

Section 101(g) deletes House language establishing the rate for operations as that provided in the regular fiscal year 1988 appropriations bill (H.R. 2712) as passed by the House, and instead inserts the rate for operations provided in the bill (H.R. 2712) as passed by the Senate on September 30, 1987, as adjusted to adhere to the November 20, 1987,

summit agreement on deficit reduction. The Committee includes in its entirety, by reference, the Senate report (S. Rept. 100-165) accompanying H.R. 2712.

Labor, Health and Human Services, and Education, and Related Agencies

Section 101(h) deletes House language establishing the rate for operations as that provided in the regular fiscal year 1988 appropriations bill (H.R. 3058) as passed by the House, and instead inserts the rate for operations provided in the bill (H.R. 3058) as passed by the Senate on October 14, 1987, as adjusted to adhere to the November 20, 1987, summit agreement on deficit reduction. The Committee includes in its entirety, by reference, the Senate report (S. Rept. 100–189) accompanying H.R. 3058.

Legislative Branch

Section 101(i) deletes House language establishing the rate for operations as that provided in the regular fiscal year 1988 appropriations bill (H.R. 2714) as passed by the House, and instead inserts the rate for operations provided in the bill (H.R. 2714) as passed by the Senate on September 30, 1987, as adjusted to adhere to the November 20, 1987, summit agreement on deficit reduction. The Committee includes in its entirety, by reference, the Senate report (S. Rept. 100–158) accompanying H.R. 2714.

Military Construction

Section 101(j) deletes House language establishing the rate for operations as that provided in the regular fiscal year 1988 appropriations bill (H.R. 2906) as passed by the House, and instead inserts the rate for operations provided in the bill (H.R. 2906) as passed by the Senate on October 27, 1987, as adjusted to adhere to the November 20, 1987, summit agreement on deficit reduction. The Committee includes in its entirety, by reference, the Senate report (S. Rept. 100–200) accompanying H.R. 2906.

Agriculture, Rural Development, and Related Agencies

Section 101(k) deletes House language establishing the rate for operations as that provided in the regular fiscal year 1988 appropriations bill (H.R. 3520) as reported to the House, and instead inserts the rate for operations provided in the bill (S. 1800) as reported to the Senate on October 16, 1987, as adjusted to adhere to the November 20, 1987, summit agreement on deficit reduction. The Committee includes in its entirety, by reference, the Senate report (S. Rept. 100–203) accompanying S. 1800.

Transportation and Related Agencies

Section 101(l) deletes House language establishing the rate for operations as that provided in the regular fiscal year 1988 appropriations bill (H.R. 2890) as passed by the House, and instead inserts the rate for operations provided in the bill (H.R. 2890) as passed by the Senate on October 29, 1987, as adjusted to adhere to the November 20, 1987, summit agreement on deficit reduction. The Committee includes in its entirety, by reference, the Senate report (S. Rept. 100–198) accompanying H.R. 2890.

Treasury, Postal Service, and General Government

Section 101(m) deletes House language establishing the rate for operations as that provided in the regular fiscal year 1988 appropriations bill (H.R. 2907) as passed by the House, and instead inserts the rate for operations provided in the bill (H.R. 2907) as passed by the Senate on September 25, 1987, as adjusted to adhere to the November 20, 1987, summit agreement on deficit reduction. The Committee includes in its entirety, by reference, the Senate report (S. Rept. 100–160) accompanying H.R. 2907.

Summit Agreement on Deficit Reduction

Section 101(n) sets forth the levels of deficit reduction agreed to in the economic summit by the President and the joint leadership of Congress. Notwithstanding any other provision of this resolution, the levels for defense spending (budget function 050) for fiscal year 1988 shall not exceed $292,000,000,000 in budget authority and shall be $285,400,000,000 in outlays and the levels for discretionary nondefense spending for fiscal year 1988 shall not exceed $162,900,000,000 in budget authority and shall be $176,800,000,000 in outlays. Individual accounts within this resolution shall be adjusted to meet these requirements.

TECHNICAL HOUSE PROVISIONS

Sections 102 through 107 of the continuing resolution set forth certain technical provisions in which the Committee concurs.

Termination Date

Section 102 provides for the continued availability of funding for programs covered by this resolution until September 30, 1988, or until the applicable appropriations bills are enacted into law.

The Committee emphasizes that when regular bills are signed into law, the provisions of the continuing resolution automatically disengage and the regular appropriations acts then become the funding device. This continuing resolution in no way precludes subsequent enactment into law of the regular appropriations acts.

The Committee remains dedicated to the principle of financing Federal programs under the traditional authorization and appropriation process which includes individual appropriations bills.

Availability and Scope

Sections 103 and 104 provide the standard, technical provisions relating to obligations or expenditures made during the duration of the continuing resolution.

Deficiency Apportionment

Section 105 amends 31 U.S.C. 1515 to allow apportionment on a deficiency basis to the extent necessary to permit payment of such pay increases granted pursuant to law. This makes executive and military pay consistent with wage-rate pay increases.

Codification Clarification

Section 106 of this resolution is a technical provision which makes a technical clarification dealing with the codification of matters included within a conference agreement on continuing resolutions. This section provides that items which were included within a continuing resolution by reference would be codified as if they were enacted into law. This matter was brought to the attention of the House Appropriations Committee by Law Revision Counsel of the House of Representatives. The Committee is adopting this technical and clarifying action in order to conform these matters to longstanding practices followed by the Office of the Law Revision Counsel of the House.

Senate Reports

Section 107 is a technical provision which the Committee has amended so that amounts and authorities provided by this resolution will be in accordance with the reports accompanying the bills as passed by or reported to the Senate as opposed to the House.

REMAINING HOUSE PROVISIONS OF HOUSE JOINT RESOLUTION 395

The Committee recommends striking sections 108 through 139 of the continuing resolution, as passed by the House, and offers the following provisions instead:

Civilian and Military Pay Increase

Section 108 provides authority for a civilian and military pay raise of 2 percent effective January 1, 1988. This language is offered in lieu of the amount proposed by the President and is consistent with the summit agreement on deficit reduction.

Prohibition on Executive Level V Salary Increase

Section 109 prohibits increasing the rate of salary or basic pay for any office or position in the legislative, judicial, or executive branch or in the government of the District of Columbia to a rate which is equal to or greater than that for level V of the Executive Schedule for that office or position as of September 30, 1987. This provision is the same as that adopted by the House of Representatives which, in effect, prohibits pay increases for Members of Congress, judges, and senior members of the executive branch and District of Columbia government.

OTHER PROVISIONS

The Committee also wishes to express the following views regarding the continuing resolution.

Labor, Health and Human Services, and Education, and Related Agencies

Department of Labor

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

On October 22, 1987, the Occupational Safety and Health Administration [OSHA] issued a report on the collapse of the L'Ambiance Plaza apartment in Bridgeport, CT, on April 28, 1987. The Committee is concerned that more aggressive OSHA field inspections are necessary to prevent such accidents in the future. Therefore, the Committee directs OSHA to review its targeting procedures for the construction of new buildings and report to the Committees on Appropriations of the House and Senate no later than February 1, 1988, on the adequacy of OSHA's field inspections on new construction projects.

Department of Health and Human Services

The Committee is very concerned about the increasing number of infants who are born addicted to drugs used by their mothers during pregnancy. To address this concern, the Committee urges the Secretary of the Department of Health and Human Services to consider establishing demonstration programs for women of child-bearing age who have alcohol or drug abuse problems to encourage treatment of their substance abuse prior to their becoming pregnant or during their pregnancy. To the extent possible, such demonstrations should provide or coordinate the following services: assessment, evaluation, and referral; prenatal care and substance abuse treatment; vocational services; and child care.

MILITARY CONSTRUCTION

PHILADELPHIA MUNICIPAL AUTHORITY

The Committee supports a general provision included in the House Defense appropriations bill for fiscal year 1988 (H.R. 3576) which continues a provision enacted last year authorizing the Secretary of the Navy to convey land to the Philadelphia Municipal Authority [PMA] with the understanding that the PMA will build a trash-burning steam plant on a site at the Philadelphia Naval Shipyard and sell steam back to the Navy at a negotiated price. Although the Committee believes that such provisions should not be included in appropriations bills, since this particular transaction was not completed during fiscal year 1987 and the House provision would merely continue prior law to allow the transaction to be completed, the Committee intends that every consideration be given to agreement to the House provision.

MILITARY CONSTRUCTION ACTIVITIES, NASHVILLE DISTRICT

The Committee directs the Secretary of the Army, acting through the Chief of Engineers, to assign the military design, construction, and support mission of the Corps of Engineers for all of the eastern and middle geographic divisions of Tennessee to the Nashville District of the Corps of Engineers.

BROOKLYN NAVY YARD, NY, LAND TRANSFER

The Committee supports the conveyance of a 7-acre parcel of land located in the Brooklyn Navy Yard, Brooklyn, NY, to the city of New York, NY. In consideration for this conveyance, the city of New York shall pay to the United States the fair market value, as determined by the Secretary of the Army, of the property conveyed. This provision would convey land previously conveyed to the Army for the purpose of transfer to the New York National Guard. The National Guard no longer has a requirement for the land, therefore, it is available for transfer to the city of New York.

JERSEY CITY, NJ, LAND TRANSFER

The Committee supports the conveyance of a 40-acre parcel of land located in the U.S. Army Reserve Center, Caven Point, NJ, to the State of New Jersey and to the city of Jersey City, NJ. In consideration for this conveyance, the State of New Jersey and the city of Jersey City shall pay to the United States the fair market value, as determined by the Secretary of the Army, of the property conveyed. The Secretary may utilize any funds provided by this land transfer for the repair, expansion, improvement, or replacement of the U.S. Army Reserve Center facilities at Caven Point.

FORT WAINWRIGHT, AK, REPLACE DESTROYED FACILITIES

It has come to the attention of the Committee that a warehouse at Fort Wainwright, AK, being utilized to store supplies for the Bureau of Land Management, has been destroyed by fire. The Committee directs the Department to request a reprogramming to replace these facilities under the authority to construct facilities destroyed by national disasters, 10 U.S.C. 2854.

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES

CHILD NUTRITION—RECIPE CARD FILE DISTRIBUTION

The Committee notes the failure of the Food and Nutrition Service to print and distribute recipe card files needed by food service workers despite the expenditure of thousands of dollars for their development. The Committee expects the Department to use existing Child Nutrition Program funds to make these recipe card files available to food service programs immediately.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

U.S. CUSTOMS SERVICE LAW ENFORCEMENT EXPLORER PROGRAM

The Committee commends the Customs Service for its support of the Customs Law Enforcement Explorer Program. Not only has the program resulted in 80,000 hours of voluntary support to the mission of the U.S. Customs Service during the past year, but it has also served to instill the ideals of and respect for a law enforcement career in these young men and women of every race, creed, and religion. Support for the program should thereby ensure an increasing pool of diverse and quality applicants for all Federal law enforcement agencies.

The Committee therefore approves of the expenditure of such funds out of total fiscal year 1988 Customs Service salaries and expenses appropriations, as the Commissioner, or his designee, deems necessary to ensure the continued success of the Customs Law Enforcement Explorer Program to the mission of the Customs Service as well as the goals of the Explorer Program of the Boy Scouts of America.

In conclusion, the Committee does not concur with language contained in House Report 100–415 to accompany House Joint Resolution 395, which is not already agreed to in the Senate reports accompanying the 13 regular fiscal year 1988 appropriations bills.

COMPLIANCE WITH PARAGRAPH 7, RULE XVI, OF THE STANDING RULES OF THE SENATE

Paragraph 7 of rule XVI requires that Committee reports on general appropriations bills identify each Committee amendment to the House bill "which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session." The

Senate report accompanying each of the 13 regular fiscal year 1988 appropriation bills referenced in this continuing resolution sets forth this information.

COMPLIANCE WITH PARAGRAPH 12, RULE XXVI OF THE STANDING RULES OF THE SENATE

Paragraph 12 of rule XXVI requires that Committee reports on a bill or joint resolution repealing or amending any statute or part of any statute, include "(a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee."

With respect to this joint resolution, House Joint Resolution 395, it is the opinion of the Committee that it is necessary to dispense with these requirements in order to expedite the business of the Senate. However, the Committee points out that the Senate report accompanying each of the 13 regular fiscal year 1988 appropriations bills complies with the requirements of this rule.

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